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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,560	09/01/2005	Stefano Cevenini	331.1087	1194
23280 7590 11/12/2008 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER IZAGUIRRE, ISMAEL				
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
11/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/523,560

**Applicant(s)**

CEVENINI ET AL.

**Examiner**

Ismael Izaguirre

**Art Unit**

3765

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13, 15-17 and 22 is/are allowed.
- 6) ☒ Claim(s) 10, 14, 18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-083)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The examiner is appreciative of the changes made to the language of the claims. These have been duly noted and considered.

### **CLAIMS**

#### **Summary**

Claims 1-9 have been cancelled.

Claim 10, 11, 15, 16 and 22 are the independent claims under consideration in this Office action.

Claims 12-14, 17, 18, 20 and 21 are the dependent claims under consideration in this Office action.

#### **Claim Rejections - 35 U.S.C. § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 14, 18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pruden (1,891,179).

Pruden teaches a heat resistant ironing board cover and discloses the method for making and placing it on an ironing board. The cover comprises a cover material 14 and a padding material 11 located underneath the cover material. The cover material is placeable over the padding and onto the ironing board 10 where the cover is form-

fittingly connectable to the ironing board via the padding as the padding contacts the ironing board on the top, sides and on the bottom surface of the board. The padding includes a thickness of about .2 to 5cm and a contour is matched to the ironing board contour and is pressed into close proximity, i.e., form fitting, over the edge of the ironing board and onto the underside thereof. The padding includes a bulge or extending piece which wraps around and extends to the underside of the ironing board and is intimate with said bottom.

### **Remarks**

Applicant remarked that the padding of Pruden is not form fitting onto the ironing board. The issue here is the intent of the words "form fitting". From Applicant's disclosure, "form fitting" is explained as providing a contour of the padding corresponding or mirroring the contour of the ironing board and then placing the padding such that the surfaces of the padding and the ironing board which contact each other are in close intimate contact. As the padding makes intimate contact with the ironing board, so does the cover onto the padding which would mean the cover is also "form fitting" onto the board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. If applicant has a different interpretation for the words "form fitting" or "contour", they have not explained or provided such interpretation. Accordingly, the cover and padding of Pruden are form-fitted onto the board and Pruden is applicable to the claims as noted above.

Claims 10, 14, 18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Leonard (2,554,111).

Leonard teaches a heat resistant ironing board cover and discloses the method for making and placing it on an ironing board. The cover comprises a muslin cover material 49 and a padding material 48 located underneath the cover material. The cover material is placeable over the padding and onto the ironing board 43 where the cover is form-fittingly connectable to the ironing board via the padding as the padding contacts the ironing board on the top, sides and on the bottom surface of the board. The padding includes a thickness of about .2 to 5cm and a contour is matched to the ironing board contour and is pressed into close proximity, i.e., form fitting, over the edge of the ironing board and onto the underside thereof. The padding includes a bulge or extending piece which wraps around and extends to the underside of the ironing board and is intimate with said bottom.

#### **Remarks**

Applicant remarked that the padding of Leonard does not include a contour capable of attaching the pad to the ironing board in a form fitting manner. From Applicant's disclosure, "form fitting" is explained as providing a contour of the padding corresponding or mirroring the contour of the ironing board and then placing the padding such that the surfaces of the padding and the ironing board which contact each other are in close intimate contact. As the padding makes intimate contact with the ironing board, so does the cover onto the padding which would mean the cover is also "form fitting" onto the board. The claims include no further definition as to what "form-

fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. If applicant has a different interpretation for the words "form fitting" or "contour", they have not explained or provided such interpretation. Applicant seems to intend a means comprised by the cover or the padding which positively connects or locks the padding or cover to the ironing board. This is not positively recited in the claims. Accordingly, the cover and padding of Leonard are form-fitted onto the board and Leonard is applicable to the claims as noted above and further Leonard includes means for keeping the cover and padding onto the ironing board, however is not specific about the means.

Claims 10, 14, 18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Adillea et al. (3,324,584).

Adillea et al. teach a heat resistant ironing board cover and discloses the method for making and placing it on an ironing board. The cover comprises a cover material 22 and a padding material 20 located underneath the cover material. The cover material is placeable over the padding and onto the ironing board 27 where the cover is form-fittingly connectable to the ironing board via the padding as the padding contacts the ironing board on the top, sides and on the bottom (or underside) surface of the board (See figure 5 and column 2, lines 60-67). The padding includes a thickness of about .2 to 5cm and a contour is matched to the ironing board contour and is pressed into close proximity, i.e., form fitting, over the edge of the ironing board and onto the underside thereof. The padding includes a bulge or extending piece which wraps

around and extends at least to some amount along the underside of the ironing board and is intimate with said bottom.

### **Remarks**

Applicant remarked that the padding of Adilleta et al. does not have a contour capable of form fitting such onto the ironing board. The issue here is the intent of the words "form fitting". From Applicant's disclosure, "form fitting" is explained as providing a contour of the padding corresponding or mirroring the contour of the ironing board and then placing the padding such that the surfaces of the padding and the ironing board which contact each other are in close intimate contact. As the padding makes intimate contact with the ironing board, so does the cover onto the padding which would mean the cover is also "form fitting" onto the board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. If applicant has a different interpretation for the words "form fitting" or "contour", they have not explained or provided such interpretation. Applicant seems to intend a means comprised by the cover or the padding which positively connects or locks the padding or cover to the ironing board. This is not positively recited in the claims. Accordingly, the cover and padding of Adilleta et al. are form-fitted onto the board and Adilleta et al. is applicable to the claims as noted above and further Adilleta et al. includes clips as a means for connecting the padding and cover onto the ironing board.

Claims 10, 14, 18, 20 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Musker (43,700) which is a document applied in the previous Office action.

Musker teaches a heat resistant ironing board cover and teaches the method for forming and mounting it on an ironing board. The cover comprises a cover material and a layer of padding at least 3 millimeters thick (page 2, line 15) located underneath the cover material. The cover material with the underlying pad is placeable onto an ironing board where it is form-fittingly connectable to the ironing board via the padding by heat pressing the adhesive on the padding. The adhesive is sprayed onto the padding and this is bonded to the ironing board on the top (page 2, lines 33-35) and then the board is turned on its side and the press is again placed for heating the cover and padding for molding the padding on the side edges (lines 37-38) and then the board is upturned and "ironed" for bonding the cover and padding bulging portions to the underside of the ironing board (page 3, lines 1-5). The cover and pad are accordingly provided so as to match the contour of the board and placed in a form fitting manner onto the ironing board.

### **Remarks**

Applicant remarked that the padding of Musker does not have a contour capable of form fitting onto the ironing board. The issue here is the intent of the words "form fitting". From Applicant's disclosure, "form fitting" is explained as providing a contour of the padding corresponding or mirroring the contour of the ironing board and then placing the padding such that the surfaces of the padding and the ironing board which



contact each other are in close intimate contact. As the padding makes intimate contact with the ironing board, so does the cover onto the padding which would mean the cover is also "form fitting" onto the board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. If applicant has a different interpretation for the words "form fitting" or "contour", they have not explained or provided such interpretation. Accordingly, the cover and padding of Musker are form-fitted onto the board and Musker is applicable to the claims as noted above.

#### **ALLOWABLE SUBJECT MATTER**

Claims 11-13, 15-17 and 22 are allowable over the prior art of record.

#### **STATUS**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/  
Primary Examiner, Art Unit 3765